

30 August 2023

Licensing, Automated Vehicles and Registration Unit

Via email: lavr@tmr.qld.gov.au

Release of personal information for private car park enforcement

Thank you for allowing us to provide feedback in relation to the Release of Personal Information for private car park enforcement.

As you will be aware many of our members provide private car parking operations within their real property assets. This is privately owned land, with space set aside for the benefit of the owner, and those people who wish to access that property with express permission from the owner. In some assets, there is an arrangement where, if you wish to access the car park, you must pay to do so. This is an arrangement between the owner or operator of the space, and the consumer who wishes to access the space.

For this arrangement to work operators must be able to enforce compliance when consumers fail to meet their obligations under the terms of entry.

Any reform that limits the access of information that allows operators to enforce such a compliance needs due consideration, and detailed consultation, of which the discussion paper fails to deliver.

Our members pride themselves on delivering exceptional customer service whilst ensuring that customers accessing and utilising these private operations have access to safe, clean, and affordable car parking requirements. Like any private provider of goods or service, the business model relies on repeat customers, and ensuring a good customer experience is vital to the success and longevity of that business.

Both options outlined within the discussion paper, will likely erode the customer experience, and fail to take into consideration the obligations of customers of the private car parking facility to adhere to the terms and conditions of accessing the private property.

Overwhelming feedback from our members suggests that most friction is caused when a customer parks in a designated short-term space, for a long-term period, resulting in short-term car parks not being accessible for the benefit of other customers and tenants. Quite often short-term car parks are located close to lifts, or

retail facilities, to enhance the customer experience and are positioned in such a way to provide for those customers who are visiting the premises for short-term visitation.

It has also been reported that some of these breaches of conditions, have been where customers have used incorrectly accessed Disabled Parking spaces, meaning that the private operator is limited in their capacity to deliver accessible car parking to those paying customers who genuinely require that space.

When such a breach occurs, in most cases the car parking operator's first preference is to issue a warning, then if there is a continued or repeated breaches, the car parking operator is faced with no other option but to enforce the breach through accessing data for purposes of issuing car parking invoices.

The options outlined in the paper do not consider these obligations and limit the capacity of the private operator to ensure they are able to deliver appropriate car parking to paying customers.

Option 1

Whilst this option sets to safeguard privacy by requiring a court order, the proposal adds complexity, delay, and significant costs. Requiring a court order for access to vehicle owner information in cases of breaches of contractual parking conditions is likely to encourage errant users to continue breaching the terms and conditions as enforcement of any infringement is unlikely.

Adding the need for a court order adds unnecessary complexity and delay to the process of addressing parking breaches. Obtaining a court order involves engaging a Lawyer, which is a costly and resource intensive process for operators and will likely to deter operators from pursuing legitimate cases of parking breaches due to the associated time and financial burden.

Option 2

While it is understood that the intent of this option is to protect privacy and prevent potential misuse of personal information, it is likely to severely impact the financial viability of car parking whilst signalling that breaches are likely not going to be enforced, further encouraging errant use by those customers who fail to comply with their obligations.

Users who choose to violate the terms of entry, don't just impact the carparking operator, they also impact the experience of those paying abiding customers, both options outlined within the discussion paper detrimentally impact responsible users.

Removing the Operators capacity to access the data from the existing portal without a Court Order or at all, will add significant costs to Operators who are trying to enforce appropriate use of private property, and likely increase towing (resulting in additional costs to consumers) as operators will be given no other option in ensuring access to other paying and abiding customers. These outcomes are good for neither party and do not optimize the customer experience.

Rather than supporting the two limiting options given within the paper, the Property Councils suggests a review into the re-establishment of the Accredited Operating Scheme that was in existence prior to Covid. This Scheme provides a robust framework in which Car Parking Operators are required to act whilst providing a best practice to support operators.

The re-establishment and implementation of such a scheme would likely rectify the concerns that have been raised by a small group of customers, whilst supporting and promoting best practice.

We urge against hastily implemented reform, without detailed consultation is likely to add more costs to both Operator and consumer and increase the number of errant carparking use.

The Property Council would welcome the opportunity to discuss these proposals with government so we can collectively agree to the detail prior to them being finalised.

If you would like to discuss this further, please have no hesitation contacting me on 0499 181 366 or jcaire@propertycouncil.com.au.

Yours sincerely,



Jess Caire
Queensland Deputy Executive Director